



1140417-991101

#5  
JSC  
9/1/00**REVOCATION**

nCUBE Corporation hereby revokes all previous and prior Powers of Attorney in the in the patent application identified above and hereby executes the following new Power of Attorney.

**NEW POWER OF ATTORNEY**

Assignee hereby appoints Derek J. Westberg (Reg. No. 40,872) and David R. Stevens (Reg. No. 38,626) as attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

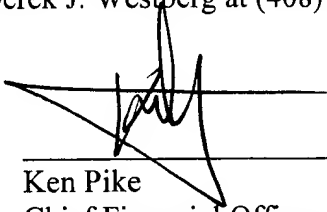
Please change the correspondence address and send all future communications regarding this application to:

Derek J. Westberg  
Stevens & Westberg, LLP  
99 North First Street, Suite 201  
San Jose, CA 95113

**RECEIVED**  
JUL 19 2001  
Technology Center 2600

Please direct all inquires to Derek J. Westberg at (408) 288-7592.

Dated 13-MAY-01

  
\_\_\_\_\_  
Ken Pike  
Chief Financial Officer  
nCUBE Corporation

ASSIGNMENT

WHEREAS, Daniel Sheeran made certain inventions or discoveries (or both) set forth in an Application for Letters Patent of the United States of America entitled ADAPTIVE BANDWIDTH SYSTEM AND METHOD FOR BROADCAST DATA

— as filed herewith  
X as filed on October 27, 2000 as Serial No. 09/699,236

WHEREAS, nCube Corporation, a corporation of the State of California, and whose address is 110 Marsh Drive, Foster City, CA 94404 and who, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the entire right, title and interest together with the benefits and privileges hereinafter recited;

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation;

1. Assign, transfer and convey to Assignee the entire right, title and interest together with the benefits and privileges in and to said inventions and discoveries, said Application for Letters Patent or similar forms of protection of the United States of America, and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said application, and any and all Letters Patent, reissues and extensions of Letters Patent or similar forms of protection granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries or groups of countries on any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or any other relevant convention or treaty or otherwise;

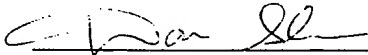
3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein, or otherwise as Assignee may direct;

4. Warrant that we have not knowingly conveyed to others any rights in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonable serving to assure that said inventions and discoveries, said patent applications and said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns

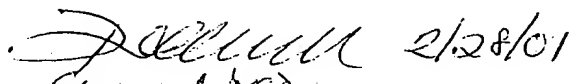
which may be useful for establishing any facts of our conceptions, disclosures, and reduction to practice of said inventions or discoveries.

IN WITNESS WHEREOF:



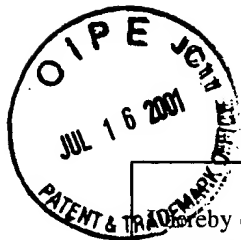
Dan Sheeran

STATE OF CALIFORNIA     )  
  ) ss.  
COUNTY OF                    )

On 2/28/01 before me,  2/28/01, Notary Public, personally appeared \_\_\_\_\_, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on July 11, 2001.

*Angie Hoang*  
Angie Hoang

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Sheeran, Daniel

Serial No: 09/699,236

Art Unit: Unknown

Filed: October 27, 2000

Examiner: Unknown

Title: ADAPTIVE BANDWIDTH SYSTEM AND METHOD FOR BROADCAST DATA

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**JUL 19 2001**

**Technology Center 2600**

\* \* \*

**TRANSMITTAL**

Commissioner of Patents  
Washington, DC 20231

Dear Sir:

Applicant submits the following in the above application:

1. Revocation and New Power of Attorney,
2. Copy of Assignment, and
3. Return Postcard.

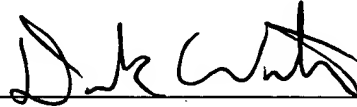
If there are any questions regarding this correspondence, please contact the undersigned at (408) 288-7592.

Respectfully submitted,

STEVENS & WESTBERG LLP

Dated: July 11, 2001

By

A handwritten signature in black ink, appearing to read 'Derek J. Westberg', written over a horizontal line.

Derek J. Westberg  
Reg. No. 40,872  
Attorney for Assignee

STEVENS & WESTBERG LLP  
99 North First Street, Suite 201  
San Jose, CA 95113  
(408) 288-7592



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sheeran, Daniel

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Date 07/11/01 Signature

\* \* \*

**REVOCATION OF PRIOR POWER OF ATTORNEY  
AND NEW POWER OF ATTORNEY**

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

**STATEMENT UNDER 3.73(b)**

nCUBE Corporation states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor (copy attached). The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

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